

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FILED

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-PSO-

HARVEY L. JACQUE,

Plaintiff,

-v-

FRANK WIRT, DAVID ALEXANDER,
KEITH GAUSE and ROCHESTER
CARPENTERS LOCAL UNION 85,

Defendants.

05-CV-6197T(P)

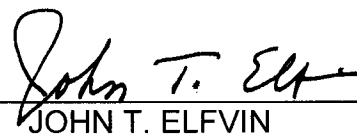
MEMORANDUM and ORDER

Plaintiff has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has met the statutory requirements. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been reviewed by the Court with respect to the 28 U.S.C. § 1915(e)(2) criteria. Plaintiff, proceeding *pro se*, has alleged violations of the Fair Labor Standards Act, claiming that he was wrongfully terminated and that his union failed to represent him.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

SO ORDERED.

DATED: Buffalo, New York
July 5, 2005


JOHN T. ELFVIN

UNITED STATES DISTRICT JUDGE